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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,491	10/30/2003	Ross E. Johnson	ROC920030025US1	8050
30206	7590	06/25/2007		
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER INGBERG, TODD D	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 06/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,491	JOHNSON, ROSS E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Todd Ingberg	2193	

All participants (applicant, applicant's representative, PTO personnel):

(1) Todd Ingberg. (3)\_\_\_\_\_

(2) Scott Stinbruner. (4)\_\_\_\_\_

Date of Interview: 21 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.  
If Yes, brief description: See attachment.

Claim(s) discussed: 1,8,9 and 13.

Identification of prior art discussed: Dean.

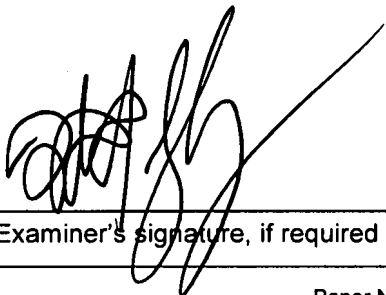
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 \_\_\_\_\_  
 Examiner's signature, if required

### ***Interview Summary***

1. A PTO-892 form with Dean cited will be with the Interview Summary.
2. Key differences between Dean and the Invention were described as follows. Dean's use of random is based on the random snap shot of execution based on a program counter. Dean's optimization is path oriented. The point of execution is not always known. The invention is not path oriented. The point of execution is always known. The goal of the invention is to organize a program in memory to avoid swapping out parts that are needed to be executed.
3. Claim 1 with claim 7 incorporated as depicted in the Agenda was discussed.
4. Claims 8, 9 and 13 cover means of preserving the previous program code segment order as a means to return to. And means to protect against over optimization. the benefit of optimization is to provide optimization to all executions of a program and not for one specific execution of a program but multiple executions.
5. The examiner mentioned the current Office policy on 101. The Examiner's concern is on pages 10 to 11 of the Specification. Specifically on page 11, first paragraph, last part of the last sentence, "... , and transmission type media such as digital and analog communications links." Examiner mentioned these are signals and not statutory. The mention of considering amending the claims to claim the media types that are "recordable" was discussed as a possible way to avoid the non statutory media type of signals.

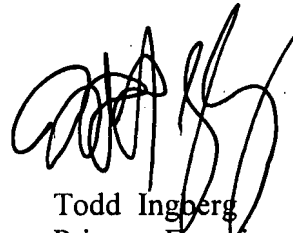
### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd Ingberg  
Primary Examiner  
Art Unit 2193

TI

**Agenda and Proposed Amendments**

Serial No. 10/697,491

**Agenda**

- Discuss need to cite Dean in 892 Form
- Discuss §102 rejection based upon Dean
- Discuss proposed amendments to claim 1 (adding claim 7)
- Discuss dependent claims 8, 9 and 13

**Proposed Amendments**

1. (Currently Amended) A method of ordering program code in a computer memory, the method comprising:

selecting an ordering from among a plurality of orderings for a plurality of program code segments using a heuristic algorithm, wherein the heuristic algorithm comprises a simulated annealing algorithm, wherein selecting the ordering using the heuristic algorithm includes testing a subset of the plurality of orderings, and wherein testing the subset of the plurality of orderings includes, for each ordering in the subset, calculating a cost for such ordering based upon cache miss rates for such ordering, and randomly selecting a different ordering after testing an ordering from the subset of orderings; and

ordering the plurality of program code segments in a memory of a computer using the selected ordering.

8. (Original) The method of claim 7, wherein randomly selecting the different ordering comprises swapping two program code segments in a previous ordering.

9. (Original) The method of claim 8, wherein the program code segments each comprise a module, and wherein randomly selecting the different ordering further comprises constraining selection of the two program code segments to modules in the same replaceable unit destination.

13. (Original) The method of claim 11, wherein selecting an ordering from among the plurality of orderings further comprises randomly accepting a change to an ordering even if the calculated cost for such ordering is not lower than that of the working ordering.